

IN THE DRAWINGS:

Submitted herewith is a replacement sheet for the newly added Fig. 10.

REMARKS

Applicant has amended claims 1, 2, 24 and 26, canceled claims 3, 10, 15-19 and 21-22 without prejudice and amended the drawing and the specification. Applicant respectfully submits that these amendments to the claims and drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Final Office Action will be discussed in terms of the claims and drawing as amended.

The Examiner has objected to the drawings, stating that they do not show each and every feature of the claimed invention. In reply thereto, Applicant has submitted replacement sheet including a new Fig. 10 illustrating the alternate construction which is claimed. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner has objected to claims 2 and 26. Applicant has amended claims 2 and 26 and respectfully submits that claims 2 and 26 are not now objectionable.

The Examiner has rejected claim 24 under 35 USC 112, second paragraph. In view of the above amendments to claim 24, Applicant respectfully submits that claim 24 complies with the requirement of 35 USC 112, second paragraph.

The Examiner has rejected claims 1, 24, 25 and 28 under 35 USC 102 as being anticipated by Rhoades et al., stating that Rhoades et al. discloses the invention as claimed.

In reply thereto, Applicant has carefully reviewed Rhoades et al. and respectfully submits that Rhoades et al. does not disclose that the belt has a hard portion and a soft portion and a connected area of the belt with the eye cup portion is formed with the hard portion. Accordingly, Applicant respectfully submits that claims 1, 24, 25 and 28 are not anticipated by Rhoades et al.

The Examiner has rejected claims 1, 11 and 12 under 35 USC 103 as being obvious over Tsubooka et al. in view of Huang, stating that Tsubooka et al. discloses the invention substantially as claimed and teaches a pair of swimming goggles 1 comprising an eye cup portion 1 for protecting the user's eyes and a belt 2 which is connected to the eye cup portion with the eye cup portion 1 provided with projections 11B on both sides and the belt includes corresponding holes 12A so that the belt and eye cups can be connected together, but does not teach a pair of belts respectively connected to the eye cup portion; Huang teaches goggles with a pair of belts 22 or 23 with a connecting/disconnecting mechanism 3 or 5 for connecting and disconnecting the pair of belts together; and it would have been obvious to one of ordinary skill in the art to modify Tsubooka et al. in view of Huang.

Applicant has carefully reviewed Tsubooka et al. and respectfully submits that it discloses only a single belt and a mechanism for connecting the ends of the belts to the goggle portion and does not disclose that there would be a pair of belts with one end of each of the belts connected to the eye cup portion and the other end connected together by quick connect/disconnect mechanism.

Applicant has also carefully reviewed Huang and respectfully submits that the mechanisms 3 and 5 are not connecting/disconnecting mechanisms and in fact merely mechanisms for adjusting the length of the belts and clearly are not quick disconnect/connect mechanisms. Still further, Applicant respectfully submits that the mechanisms 3 and 5 are not used to connect belts to the eye cup portion everytime one puts the goggles on and one would merely use once to adjust the length.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention and claims 1, 11 and 12 are not obvious thereover.

The Examiner has rejected claims 2, 13 and 14 under 35 USC 103 as being obvious over Tsubooka et al. in view of Huang and further in view of Lutz, stating that the combination of Tsubooka et al. and Huang discloses all of Applicant's invention except for the back portion of the belt being wider than the side portions; Lutz teaches goggles with a strap having a back belts made wider and side belt portions made narrower; and it would have been obvious to one of ordinary skill in the art to modify the combination of Tsubooka et al. and Huang in view of the teachings of Lutz.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, Tsubooka et al. and Huang. In addition, Applicant has carefully reviewed Lutz and respectfully submits that while Lutz may disclose what the Examiner suggests it does, Lutz does not disclose a connecting mechanism used when the user puts the goggles on and off which is provided on the pair of belts for connecting and disconnecting the pair of belts together or that the belt has hard and soft portions and the eye cup has a hard portion for connecting to the belts.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention and claims 2, 13 and 14 are not obvious over Tsubooka et al. and Huang and further in view of Lutz et al.

The Examiner has rejected claims 3, 15, 16, 19, 21, 26 and 27 under 35 USC 103 as being obvious over Tsubooka et al. in view of Huang and further in view of Onodera et al., stating that

the combination of Tsubooka et al. and Huang teach all of the present invention except that the belt has a hard portion and a soft portion and a connected area of the belt with holes, with the eye cup portion is formed with the hard portion or that the hard and soft portions are made from the same material but have different hardnesses; Onodera et al. teaches a temple belt portion made from the same elastomeric material; and it would have been obvious to one of ordinary skill in the art to modify the combination of Tsubooka et al. and Huang as taught by Onodera et al.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, Tsubooka et al. and Huang. In addition, Applicant has carefully reviewed Onodera et al. and respectfully submits that Onodera et al. teaches a temple tip for a frame of spectacles or eyeglasses and has nothing to do with belts for goggles. Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not look to the teachings of Onodera et al. and make the combination suggested by the Examiner.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not have been suggested to one of ordinary skill in the art. Therefore, Applicant respectfully submits that claims 1, 26 and 27 are not obvious over Tsubooka et al. and Huang and further in view of Onodera et al.

The Examiner has rejected claims 10, 17, 18 and 22 under 35 USC 103 as being obvious over Tsubooka et al. in view of Lutz and further in view of Onodera et al.


In reply thereto, Applicant has canceled claims 10, 17, 18 and 22 without prejudice.

Accordingly, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

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